

**TESTIMONY OF  
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NATIVE VETERANS ASSOCIATION OF ALASKA  
U. S. HOUSE RESOURCES COMMITTEE  
HEARING ON HR 3148  
JUNE 5, 2002**

**I. INTRODUCTION**

Mr. Chairman, and Honorable members of the U.S. House Resources Committee: My name is Eben W. Olrun. I am a Cup'ik Alaska Native and I currently serve as the Chairman of the Board of Directors of the Native Veterans Association of Alaska. On behalf of the Native Veterans Association of Alaska and those we serve, I thank you for allowing me to make this statement to this Committee on HR 3148. Also, if the committee members ask specific questions that I may not be able to answer, I request that Mr. Nelson Angapak, who is present, be allowed to respond to these questions.

I was born in a subsistence fish camp at Nash Harbor on Nunivak Island, Alaska in the year 1948. I am the son of Nusuun and Olie Olrun. My seven siblings and I were raised in a traditional land based subsistence culture which included hunting seals, netting salmon, collecting shell fish and other seafood, picking wild vegetables such as spinach and celery and various species of berries from around the village and island. By preserving our food, we stayed healthy and survived through the harsh winters, as did my ancestors before me. My diet and the diets of my ancestors before me relied heavily upon our closeness to the land where we were born and have lived for thousands of years.

As an adult I still practice a subsistence way of life, my two small sons and I catch or hunt wild fish and game. It is this wild fish and game that my family eats exclusively as our sole source of protein. My family has traditional foods such as seal oil, dry fish and Eskimo ice cream every weekend as our mid day meal. None of the fish and game that we collect goes to waste. Often we are asked to spare a salmon or two to those who have a need. We are happy to share our food in the traditional way.

Allotments of land in Alaska are important to me because they protect our subsistence culture and allow us a protected place to teach our children the importance of caring for the earth, and learning the beliefs and skills that ensure our survival from generation to generation. Many of the veterans I know have applied for allotments on land where our families have practiced traditional subsistence for many generations. We cherish this land and consider it our sacred duty as stewards to protect the land and its resources. Most of us are not interested in developing this land but instead intend to use it as a place to teach our children and grandchildren our traditional beliefs and practices such as self-reliance, and to carry out our responsibility to care for our families and elders.

In 1964 I went to the Bureau of Indian Affairs regional residential high school in Chemawa, Oregon and graduated in 1969. I served in the United States Marine Corp from February 1970 to February 1972. I completed a tour in Vietnam from August 1970 until May 19, 1971 in the Khe Sahn Mountains and Da Nang region. Typical maneuvers of which I was a part were Search and Destroy Operations in addition to the expected capture of the North Vietnamese Army (NVA). I received the National Defense Service Medal, the Vietnam Service Medal with a star, the Vietnam Campaign Medal with the device Combat Action Ribbon and a Good Conduct Medal. I was Honorably Discharged in February of 1972 and determined by the Veteran's Administration to be disabled Veteran as a result of my service.

**II. THERE ARE THREE REASONS WHY THE ALASKA NATIVE VIETNAM VETERANS SUPPORT HR 3148**

The Native Veterans Association of Alaska, of which I am Chairman of the Board of Directors, is a statewide organization formed in March 2000. Our goal is to help make it possible for all Alaska Natives who honorably served in the military during the Vietnam War to receive allotments of land in Alaska. We formed this organization out of our fear that few if any deserving veterans would ever get an allotment under the newly enacted Veterans Allotment Act. Our fears have come true. The numerous restrictions in the Act have defeated many of the applications filed and even discouraged many from applying. However, HR 3148 would change that. There are three reasons why the current Veterans Allotment Act needs to be amended.

**A. The Type Of Land Available For Allotments Under Existing Law Is Practically Non-Existent**

The first reason the existing law needs to be amended is the lack of federal land that is available for veteran allotments. There is so little land that very few veterans will get allotments. The problem is that the existing law severely limits what type of land can be available for allotments. In fact there is hardly any land left in Alaska that meets the Act's many restrictions.

Please let me explain. In order for land to be available for veteran allotments, the land must be:

- non-mineral, without gas, coal, or oil,
- not valuable for minerals, sand or gravel,
- without campsites,
- not selected by the State of Alaska or a Native Corporation,
- not designated as wilderness,
- not acquired federal lands,
- not contain a building or structure,
- not withdrawn or reserved for national defense,
- not a National Forest,
- not BLM land with conservation system unit sites, (unless the manager consents),
- not land claimed for mining,
- not homesites, or trade and manufacturing sites or headquarters site,
- not a reindeer site, and
- not a cemetery site.

These restrictions make it almost impossible for veterans to find any land that is available. The land restrictions make it especially difficult for veterans in southeast Alaska. This is true because land in a national forest is not available and most of southeast Alaska is within the Tongass National Forest. This restriction prevents many deserving veterans in southeast Alaska from obtaining allotments. There is a simple solution. That solution is found in HR 3148, which makes available for veteran allotments federal land that is vacant. Under HR 3148, land selected but not yet conveyed to the State or a Native Corporation is not available unless the State or Corporation voluntarily relinquishes it. It is important to note that valid existing rights to land are protected by HR 3148.

To illustrate the problem of lack of land, I would like to tell the Committee about an Alaska Native named Gilbert Ketzler, Jr. Gilbert volunteered and bravely served as an Army medic in Vietnam. Gilbert volunteered to go to Vietnam so that his three younger brothers would not have to. Gilbert was killed in action on October 10, 1969.

On behalf of Gilbert's heirs, Mr. Ketzler's father applied for an allotment under the Veterans Allotment Act on land that he knew his son used and occupied in a manner that would meet the requirements of the Alaska Native Allotment Act. The application was denied because the land Gilbert used was not available because it had been selected by Native Corporations. Under HR 3148, Mr. Ketzler's heirs

would be eligible for an allotment for two reasons. First, under HR 3148 it would be possible for the Corporations to voluntarily relinquish land for veteran allotments, which is not possible under existing law. Second, as discussed in the following section, under the legislative approval provisions of HR 3148 Mr. Ketzler's heirs could apply for an allotment of land that was available without having to prove Gilbert used that land in a qualifying manner.

### **B. The Current Use And Occupancy Requirements Make It Virtually Impossible For Most Veterans To Get Allotments**

The second and equally important reason existing law needs to be amended is to eliminate the current use and occupancy requirements. To be qualified for an allotment a veteran must meet the extensive use and occupancy requirements of the Alaska Native Allotment Act of 1906, as amended. This means that Veteran applicants must prove substantially continuous use and occupancy of the land for a period of five years that is potentially exclusive of others.

The major problem with this restriction is that the applicant's use and occupancy must have started before the land was withdrawn, reserved or selected. However, vast areas of land in Alaska was withdrawn, reserved or selected before the veterans were even born or before we were old enough to begin using the land in the way that is required to initiate an allotment claim. For example, much of the land in southeast Alaska was withdrawn in the early 1900's. The state of Alaska selected land throughout the state beginning in the early 1960's. Most of the land on Nunivak Island where I am from was withdrawn in 1929. The applications for allotments for land on Nunivak Island filed by both my cousin and I were rejected on the grounds that we were not old enough to have began using the land before it was withdrawn. The allotments we applied for was for land that our families have used for generations as our fish camp.

This problem is solved by the provision in HR 3148 that replaces use and occupancy requirements with legislative approval of allotments. This provision also provides due process protections of all valid existing interests in the land that is claimed for a veteran allotment. This provision is similar to the legislative approval provision Congress made available to applicants of allotments who applied under the Alaska Native Allotment Act. Legislative approval will also save time and money because it will eliminate administrative adjudication of the applicant's use and occupancy.

### **C. The Current Military Service Dates Unfairly Excludes Many Who Served During The Vietnam Era**

The third reason the law needs to be changed is that current law is unfair to many deserving veterans that do not qualify even though they honorably served their country during the Vietnam era. Many Alaska Native veterans who served during the Vietnam era do not qualify for an allotment under the military service time restrictions in the current law.

This is true because only veterans who served from January 1, 1969 to December 31, 1971 are now eligible to apply for an allotment. However, the Vietnam era covered a much longer time span. The "Vietnam era" is legally defined as beginning August 5, 1964 and ending May 7, 1975. Veterans that served during the "Vietnam era" from August 5, 1964 to December 31, 1968, and from January 1, 1972 to May 7, 1975 are excluded from getting an allotment under current law.

We believe it is unfair to treat some Alaska Native veterans that honorably served their country during the Vietnam era differently than other Native veterans who also served during that same Vietnam era. All of us served our country at the time we were most needed. We should all get the opportunity to apply for an allotment

This problem is solved by the provision in HR 3148, which expands the eligible military service dates to include the dates of the entire Vietnam era. There are approximately 1,700 Alaska Native Vietnam veterans that will get a chance to apply for an allotment if this provision is enacted into law. Those 1,700

veterans are now excluded simply because they bravely served their country a little too early or a little too late.

One such brave Alaska Native veteran is Ronald Paul. After serving in the National Guard for over five years, Ronald went in the U.S. Army in 1967 and served with the 101<sup>st</sup> Airborne Division. In 1968, he was sent to Vietnam and fought eleven months in the TET offensive. Ronald was critically wounded on December 11, 1968. He survived after so many surgeries that he lost count. Ronald was hospitalized until February 1969 and today is a disabled veteran. Unfortunately Ronald is not eligible for an allotment under current law. This is true because right after he was wounded, Ronald had to agree to be discharged early in order to get into the VA hospital where he received his numerous surgeries. Ronald did receive the Purple Heart medal though. Under HR 3148, Ronald would be eligible to apply for an allotment because his military service from 1967 to 1968 was service during the "Vietnam era."

### **III. CLOSING**

The opportunity to give testimony has been a great honor for me and I thank you on behalf of all Alaska Natives who served our country during the Vietnam War. I recommend that this Committee affirmatively vote HR 3148 out of the Committee and into the House of Representatives.

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